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SUBJECT: DEEPENING COOPERATION ON LEGAL REFORM: THE AMBASSADOR MEETS  
A KEY VIETNAMESE DRIVER OF CHANGE

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¶1. (SBU) Summary: Vietnamese National Assembly (NA) Judicial Affairs Committee Chairwoman Le Thi Thu Ba discussed with the Ambassador how the USG and GVN can deepen cooperation on judicial and legal reform in Vietnam. Laws on enforcement of civil and criminal court judgments must be revised so that defendants have more rights, Thu Ba declared, but she also appealed for greater understanding on Washington's part for the premium the GVN places on stability and economic development. In a January 18 meeting, Thu Ba explained that the GVN devised the Law on Criminal Procedure years ago and needs to revise it with technical assistance. However, she suggested that the USG wait until the GVN has completed its internal review of how this law must be reformed before proceeding with detailed program proposals. Thu Ba said that Vietnamese legal professionals and legislators also need to learn more about U.S. laws. The Ambassador stressed the importance of the two governments finding ways to work together that do not raise red flags within the GVN. End Summary.

2.(SBU) On January 18, the Ambassador discussed USG-GVN cooperation in enhancing rule of law and good governance in Vietnam with National Assembly (NA) Judicial Affairs Committee Chairwoman Le Thi Thu Ba. Since Vietnam is still a developing country, it has "a lot of wishes" in the rule of law area, Thu Ba stated. Hanoi needs to bring its laws into compliance with international norms, for example, and her Judicial Affairs Committee has been working on several judicial reform ideas, she explained. For example, the Law on Criminal Procedure was developed years ago, but needs to be revised with technical assistance. Vietnam also needs to learn more about U.S. laws, Thu Ba added.

¶3. (SBU) The Ambassador responded that the GVN does not seem keen to reform certain parts of its criminal code, such as Article 88 (which allows for detention of defendants without formal charges). He said USG officials should hear from people like Thu Ba on how the USG and GVN can work together to promote judicial reform in ways that do not raise red flags within the GVN. Thu Ba said that while help with reform of the criminal procedure code would be welcome, the GVN is in the midst of evaluating the code's effectiveness. It therefore would be "a bit hasty" to propose specific programs in this area, she explained.

¶4. (SBU) Vietnam must also reform laws on enforcement of civil and criminal court judgments so that defendants have more rights, Thu Ba stated. In Vietnam, the Law on Civil Judgments provides only for fines and obligations for wrong-doing, she said. In revising this law, Vietnamese prisons may come under the jurisdiction of the Ministry of Justice. (Note: Administration of the prisons currently is under the Ministry of Public Security's purview. End Note.)

¶5. (SBU) "We want a society that is truly democratic and free," Thu Ba continued. Vietnam is a country of "low level development" and is in a "transitional period," she added. She emphasized that the

GVN's first priority is stability, but that its ultimate goal is building "a true democracy." The Ambassador noted that Vietnam has undertaken many economic reforms in the last decade and is bound to undertake even more reforms in the years ahead. The USG stands ready to help the GVN develop its rule of law, he said.

¶16. (SBU) Thu Ba explained the newly created National Steering Committee on Judicial Reform's (SCJR) role in promoting legal reform in Vietnam. The SCJR is only a provisional body that gives instructions to relevant GVN bodies, she said. She herself is a SCJR member and provides input to the body, which comes up with recommendations by consensus.

¶17. (SBU) Thu Ba said that the SCJR as well as her committee always seek out lawyers' input in devising legal reforms. As for the committee that will oversee a new national bar association, Thu Ba was unsure exactly what had held up the committee's establishment. She suggested there were differing opinions as to who should head the committee as one possible explanation for the delay. (Note: On January 19, Prime Minister Nguyen Tan Dung approved a plan to establish a national lawyers' organization as well as the committee that will oversee this organization. Vietnam's national bar association is scheduled to commence operations by July, 2008 and a DRL-funded program by the American Bar Association will, among other things, help develop the national bar association's code of ethics. End Note.)

¶18. (SBU) Thu Ba thanked the Ambassador for his attention to her committee's work and hoped that over time, as work together on rule of law deepens, the American and Vietnamese people will have a greater understanding of each other. She appealed for greater understanding from Washington for the premium the GVN places on stability. "We have a mutual interest in stability," she asserted. Instability would affect not only Vietnam but neighboring countries as well, she concluded.

¶19. (SBU) Comment: Thu Ba's statements about the priority of

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protecting Vietnam's stability when considering various reform measures is consistent with what we hear from other GVN leaders. Given her key position as Chair of the Judicial Affairs Committee, her openness to working with the USG on legal reform is significant, and she can be a key interlocutor in identifying areas of cooperation that are acceptable to the GVN.

MICHALAK